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D. REMARKS

Specification

Applicants have amended the specification above to include the application serial numbers of the related cross-references.

Interview Summary

On November 23, 2004 at 3:00 PM EST, an interview was conducted via telephone between Amy Pattillo, Applicants' Representative, and Examiners Zhou and Cabeca. No exhibits were shown, nor demonstrations conducted.

First, Applicants' representative and the Examiners discussed claim 1, and in particular a proposed amendment to claim 1. Specifically, the prior art cited against claim 1 is Bonura et al. (US Patent 6,670,970). Applicants' representative proposed an amendment to claim 1 that would amend the second step to read "automatically selectively adjusting a transparency associated with a first object from among said plurality of displayable objects to reflect said current use by said first object in comparison with said current use by at least one other object from among said plurality of displayable objects." The Examiners argued that the proposed amendment still reads on Bonura et al., however a limitation indicating that each window will have a level of transparency might read outside of Bonura et al. No agreement was reached with respect to claim 1. Applicant is filing this response for further review by the Examiner.

Second, Applicants' representative and the Examiners discussed claim 5, and in particular a proposed amendment to claim 5. Specifically, the prior art cited against claim 5 is Bonura et al in view of Mugura et al. (US Patent 6,111,614). Applicants' representative proposed an amendment to claim 5 that would read as follows "minimizing said at least one of said plurality of displayable objects from a graphical window to a minimized graphical icon representing said graphical window, in response to a value of said transparency associated with said at least one of said plurality of displayable objects reaching a particular threshold." Applicants' representative argued that Mugura teaches minimizing a number of transparent

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windows and does not teach actually minimizing a window, as is understood in the art, to a graphical icon. However, Applicants' representative proposed the amendment to claim 5 for purposes of clarification. The Examiner agreed that the proposed amendment to claim 5 would clarify the type of minimizing and would distinguish claim 5 from Mugura.

In addition, during the interview, the Examiners cited additional US patents 5,852,440; 5,377,317; 5,390,295; and 6,342,908 as relevant to the current application. As required, Applicants will file a timely supplemental Information Disclosure Statement with the newly cited references.

35 USC § 102(e)

Claims 1-4, 6-10, 12-16, and 18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bonura et al. (US Patent 6,670,970) (hereinafter referred to as Bonura). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksmas*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Applicants request allowance of claims 1-4, 6-10, 12-16, and 18 in view of the amendments and arguments hereafter.

Claims 1, 7, and 13

With respect to claims 1, 7, and 13, the Examiner cites Bonura as teaching the method, system and program of claims 1, 7, and 13, respectively. [Office Action, p. 2] In particular, amended claim 1 currently reads:

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1. (Currently Amended) A method for adjusting displayable objects according to recent use, said method comprising the steps of:

detecting a total current use associated with each of a plurality of displayable objects; and

automatically selectively adjusting a transparency associated with each ~~at least one~~ of said plurality of displayable objects to reflect a percentage of said total current use [of] by each of said ~~at least one of said~~ plurality of displayable objects, such that recent use of said at least one of said plurality of displayable objects is graphically represented.

In the rejection to claim 1, the Examiner cites Bonura as teaching the elements of claim 1 at col. 3 lines 40-65. [Office Action, p. 2] In particular, the Examiner cites Bonura as teaching the element of “detecting current use of a plurality of displayable objects” in the teaching of “detecting the updating of information in a floating window”. [Office Action, p. 2] In addition, the Examiner cites Bonura as teaching the element of “automatically selectively adjusting a transparency associated with at least one of the plurality of displayable objects to reflect the current use of the at least one of the plurality of displayable objects” in the teaching of “upon detecting updated information in a floating window, the window’s transparency can be adjusted to reflect this new information, i.e. the window changes from being transparent to being opaque.” [Office Action, pp. 2-3]

Applicants note that col. 3, lines 40-65 describe individual windows that are adjusted in transparency according to the use of each individual window. Bonura does not teach adjusting the transparency of each displayable object according to a percentage of the total current use by each of the displayable objects. In contrast, claim 1 is amended to teach adjusting the transparency associated with each of the displayable

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objects to reflect a percentage of the total current use by each of the plurality of displayable objects. The specification of the present application supports the amendment at p. 14, lines 17-26. Therefore, because Bonura no longer teaches the elements of claim 1, Applicants respectfully request removal of the rejection and allowance of amended claim 1. In addition, Applicants note that claims 7 and 13 are amended in a similar manner as claim 1, and request allowance of claims 7 and 13 for the same reasons as claim 1 should be allowed.

Claims 2-4, 6, 8-10, 12, 14-16, and 18

Claims 2-4, 6, 8-10, 12, 14-16, and 18 are dependent on independent claims 1, 7 and 13. Claims 1, 7, and 13 are amended for allowance. Thus, Applicants first note that claims 2-4, 6, 8-10, 12, 14-16, and 18 are dependent upon an allowable independent claim and request allowance of these dependent claims. Additionally, Applicants note that claims 2-4, 6, 8-10, 12, 16, and 18 are amended to ensure proper antecedent basis responsive to the amendments to 1, 7, and 13.

35 USC § 103(a)

Applicants note the responsibility under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made. Applicants note that all claims are commonly owned.

Claims 5, 11, and 17

Claims 5, 11, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bonura in view of Mugura et al. (US Patent Number 6,111,614) (hereafter referred to as Mugura). [Office Action, pp. 4-5] The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. The Examiner does not carry the burden of proving a prima facie case of obviousness, however, for purposes of clarification, Applicants have amended claims 5, 11, and 17. Applicants respectfully request allowance of amended claims 5, 11, and 17.

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Claim 5 currently reads:

5.(Currently Amended) The method for adjusting displayable objects according to claim 1, said method further comprising the step of:

minimizing [said] at least one of said plurality of displayable objects from a graphical window to a minimized graphical icon representing said graphical window, in response to a value of said transparency associated with said at least one of said plurality of displayable objects reaching a particular threshold.

Regarding claim 5, the Examiner notes Mugura teaches “minimizing said at least one of said plurality of displayable objects, in response to a value of said transparency associated with said at least one of said plurality of displayable objects reaching a particular threshold” in Mugura’s teaching of “minimizing displayed icons with a low level of transparency” at col. 17 lines 38-43 through col. 18 lines 1-3. [Office Action, p. 4]

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Applicants respectfully assert that the Examiner does not establish prima facie obviousness for claim 5 because Bonura in view of Mugura does not teach or suggest all the claimed limitations.

In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Col. 17 lines 38-43 through col. 18 lines 1-3 read:

“an electronic menu comprising a plurality of components identifying said different functions of the system, said plurality of components including a plurality of alphanumeric characters and icons displayed on a background, each of said components having a level of transparency such that a number of components having a low level of transparency is minimized, said electronic menu superimposed over the displayed broadcast.”

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Applicants respectfully note that Mugura teaches minimizing a “number of components having a low level of transparency”, and not minimizing a component. In contrast, claim 5 teaches minimizing at least one of the displayable objects. Thus, Applicants respectfully assert that Bonura in view of Mugura does not teach each and every element of claim 5, and therefore prima facie obviousness is not proved. However, while the Examiner carries the burden of proving prima facie obviousness, Applicants note that claim 5 is amended to clarify that the “minimizing” is from a window to a minimized graphical icon representing the window, further distinguishing that Mugura does not teach or suggest all the claim limitations of claim 5. Therefore, because claim 5 is not obvious under Bodura in view of Mugura and because claim 5 is amended to further clarify the nonobviousness, Applicants respectfully request allowance of claim 5.

In addition, claims 11 and 17 are rejected under the same grounds as claim 5 and are amended for clarification in a similar manner as claim 5. Thus, Applicants respectfully request allowance of claims 11 and 17 for the same reasons as claim 5 should be allowed.

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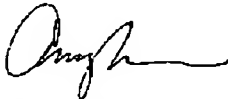
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Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

Respectfully submitted,



on 11/26/2004

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